

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

XAVIER MICHAEL MAGANA,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS, et
al.,

Defendants.

CASE NO. 3:16-cv-05589-RJB-KLS

ORDER GRANTING APPLICATION
TO PROCEED *IN FORMA PAUPERIS*
AND DIRECTING INSTITUTION TO
CALCULATE, COLLECT, AND
FORWARD PAYMENTS

Plaintiff is a prisoner proceeding *pro se* in this civil rights action. The Court, having reviewed plaintiff's application to proceed *in forma pauperis*, hereby finds and **ORDERS**:

(1) Plaintiff's declaration indicates that he is unable to afford the Court's filing fee or give security therefore. Accordingly, plaintiff's application to proceed *in forma pauperis* (Dkt. 3) is **GRANTED**. As set forth below, an initial partial filing fee will be collected, and plaintiff is thereafter required to make monthly payments of 20 percent of the preceding month's income credited to his account until the full amount of the filing fee is satisfied.

(2) Pursuant to 28 U.S.C. § 1915, and plaintiff's approved application to proceed *in forma pauperis*, the agency having custody of the above-named plaintiff is directed to calculate an initial partial filing fee equal to 20 percent of the greater of either: (a) the average monthly

1 deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account
2 for the 6-month period immediately preceding the date of this Order. The initial partial filing fee
3 should be forwarded to the Clerk of Court as soon as practicable.

4 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency having
5 custody of the prisoner is directed to collect and forward payments equal to 20 percent of the
6 prisoner's preceding month's income credited to the prisoner's account. In the event that the
7 monthly payment would reduce the prisoner's account below \$10.00, the agency should collect
8 and forward only that amount which would reduce the prisoner's account to the \$10.00 level.
9 Please note that this \$10.00 limit does not apply to the initial partial filing fee described above.
10 Finally, the monthly payments should be collected and forwarded to the Court until the entire
11 filing fee (\$350.00) for this matter has been paid.

12 (3) The Clerk is directed to send a copy of this Order to plaintiff, to the financial
13 officer of this Court, and to the agency having custody of plaintiff.

14 Dated this 9th day of August, 2016.

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17 Karen L. Strombom
United States Magistrate Judge
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